

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3409 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE D.C.SRIVASTAVA sd/-

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
No
2. To be referred to the Reporter or not? No :
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
No
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
No
5. Whether it is to be circulated to the Civil Judge? No :

JASWANTRAI CHANDRASHANKAR VYAS

Versus

STATE OF GUJARAT

Appearance:

MR RN SHAH for Petitioner

MR GM JOSHI for Respondent No. 1

Mr.PK SHUKLA, A.G.P. for M/S PATEL ADVOCATES for
Respondent No. 2

CORAM : MR.JUSTICE D.C.SRIVASTAVA

Date of decision: 10/12/1999

ORAL JUDGEMENT

1. The prayer in this petition is for issuing writ of mandamus directing the respondents to make payment of petitioner's medical bills submitted on 1.12.1987 forthwith and also to make future payment without insisting for medical treatment being taken from Ayurvedik Hospital at Bhadra, Ahmedabad.

2. The petitioner, who was working as Sheristedar in the Court of Chief Metropolitan Magistrate, Ahmedabad, retired on 14.1.1976. He is receiving pension. Over and above pension he is entitled to medical reimbursement for being treated and also for purchasing medicines prescribed by the hospital or dispensary run by the Government. Two types of medical benefits are granted to retired employees by the Government; one is to receive fixed amount every month irrespective of any expenses having been incurred by the petitioner and the other is to get actual amount already incurred by the pensioner on account of purchase of medicines, hospital charges and other investigation charges. The petitioner opted for the second scheme and was getting medical expenses against the actual expenses incurred by him. For about 12 years after his retirement the petitioner was getting medical treatment from the dispensary run by Gujarat Ayurvedik Vikas Mandal and the bills submitted by him were passed by the respondent No.2 without raising any objections. However, in respect of bill dated 1.12.1987 submitted by the petitioner the respondent No.2 adopted new medical scheme. The Additional Treasury Officer, however, refused to sanction the aforesaid bill for Rs.712.17 ps. Objection was that the treatment should have been undertaken from the Ayurvedik Hospital situated at Bhadra, Ahmedabad and not from Ayurvedik Hospital, Bapunagar. According to the petitioner since both these hospitals are run by the Gujarat Ayurvedik Vikas Mandal and the petitioner and his wife are residing at Sarangpur they attended the hospital at Bapunagar which is more convenient to them. The contention of the petitioner therefore is that his medical bill was wrongly rejected by the respondent No.2. Hence, this petition.

3. Having heard Shri R.N.Shah for the petitioner and Shri P.K.Shukla, learned A.G.P. for the respondent No.2 and after examining the contents of the writ petition and keeping in view the fact that by passage of time this writ petition has become infructuous, no interference in the action taken by the respondent No.2 is required.

The writ petition is, therefore, dismissed. No order as to costs.

sd/-

Date : December 10, 1999 (D. C. Srivastava, J.)

sas